

(1) each particular band of spectrum being used by the Department of Defense;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department of Defense or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department of Defense.

(c) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

SA 2266. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 11513 and insert the following:

SEC. 11513. REPEAL OF BUY AMERICA REQUIREMENTS.

(a) IN GENERAL.—Section 313 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 313.

(2) Section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (23 U.S.C. 313 note; Public Law 110-244) is repealed.

(3) The table of contents in section 1(b) of the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244; 122 Stat. 1572) is amended by striking the item relating to section 117.

(4) Section 122 of title I of division L of the Consolidated Appropriations Act, 2021 (23 U.S.C. 313 note; Public Law 116-260) is repealed.

SA 2267. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION —NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS
SEC. —. NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS.

(a) NATIONAL ENVIRONMENTAL POLICY ACT MODIFICATIONS.—

(1) APPLICABLE TIMELINES.—Title I of the National Environmental Policy Act of 1969 is amended—

(A) by redesignating section 105 (42 U.S.C. 4335) as section 108; and

(B) by inserting after section 104 (42 U.S.C. 4334) the following:

“SEC. 105. PROCESS REQUIREMENTS.

“(a) DEFINITIONS.—In this section:

“(1) FEDERAL AGENCY.—The term ‘Federal agency’ includes a State that has assumed the responsibility of a Federal agency under—

“(A) section 107; or

“(B) section 327 of title 23, United States Code.

“(2) HEAD OF A FEDERAL AGENCY.—The term ‘head of a Federal agency’ includes the governor or head of an applicable State agency of a State that has assumed the responsibility of a Federal agency under—

“(A) section 107; or

“(B) section 327 of title 23, United States Code.

“(b) APPLICABLE TIMELINES.—

“(1) NEPA PROCESS.—

“(A) IN GENERAL.—The head of a Federal agency shall complete the NEPA process for a proposed action of the Federal agency, as described in section 109(3)(B)(ii), not later than 2 years after the date described in section 109(3)(B)(i).

“(B) ENVIRONMENTAL DOCUMENTS.—Within the period described in subparagraph (A), not later than 1 year after the date described in section 109(3)(B)(i), the head of the Federal agency shall, with respect to the proposed action—

“(i) issue—

“(I) a finding that a categorical exclusion applies to the proposed action; or

“(II) a finding of no significant impact; or

“(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

“(C) ENVIRONMENTAL IMPACT STATEMENT.—If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the proposed action.

“(D) PENALTIES.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(II) FEDERAL AGENCY.—The term ‘Federal agency’ does not include a State.

“(III) FINAL NEPA COMPLIANCE DATE.—The term ‘final NEPA compliance date’, with respect to a proposed action, means the date by which the head of a Federal agency is required to complete the NEPA process under subparagraph (A).

“(IV) HEAD OF A FEDERAL AGENCY.—The term ‘head of a Federal agency’ does not include the governor or head of a State agency of a State.

“(V) INITIAL EIS COMPLIANCE DATE.—The term ‘initial EIS compliance date’, with respect to a proposed action for which a Federal agency published a notice of intent described in subparagraph (B)(ii), means the date by which an environmental impact statement for that proposed action is required to be completed under subparagraph (C).

“(VI) INITIAL NEPA COMPLIANCE DATE.—The term ‘initial NEPA compliance date’, with respect to a proposed action, means the date by which the head of a Federal agency is required to issue or publish a document described in subparagraph (B) for that proposed action under that subparagraph.

“(VII) INITIAL NONCOMPLIANCE DETERMINATION.—The term ‘initial noncompliance determination’ means a determination under clause (ii)(I)(bb) that the head of a Federal agency has not complied with the requirements of subparagraph (A), (B), or (C).

“(ii) INITIAL NONCOMPLIANCE.—

“(I) DETERMINATION.—

“(aa) NOTIFICATION.—As soon as practicable after the date described in section 109(3)(B)(i) for a proposed action of a Federal agency, the head of the Federal agency shall notify the Director that the head of the Federal agency is beginning the NEPA process for that proposed action.

“(bb) DETERMINATIONS OF COMPLIANCE.—

“(AA) INITIAL DETERMINATION.—As soon as practicable after the initial NEPA compliance date for a proposed action, the Director shall determine whether, as of the initial NEPA compliance date, the head of the Federal agency has complied with subparagraph (B) for that proposed action.

“(BB) ENVIRONMENTAL IMPACT STATEMENT.—With respect to a proposed action of a Federal agency in which the head of the Federal agency publishes a notice of intent described in subparagraph (B)(ii), as soon as practicable after the initial EIS compliance date for a proposed action, the Director shall determine whether, as of the initial EIS compliance date, the head of the Federal agency has complied with subparagraph (C) for that proposed action.

“(CC) COMPLETION OF NEPA PROCESS.—As soon as practicable after the final NEPA compliance date for a proposed action, the Director shall determine whether, as of the final NEPA compliance date, the head of the Federal agency has complied with subparagraph (A) for that proposed action.

“(II) IDENTIFICATION; PENALTY; NOTIFICATION.—If the Director makes an initial noncompliance determination for a proposed action—

“(aa) the Director shall identify the account for the salaries and expenses of the office of the head of the Federal agency, or an equivalent account;

“(bb) beginning on the day after the date on which the Director makes the initial noncompliance determination, the amount that the head of the Federal agency may obligate from the account identified under item (aa) for the fiscal year during which the determination is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

“(cc) the Director shall notify the head of the Federal agency of—

“(AA) the initial noncompliance determination;

“(BB) the account identified under item (aa); and

“(CC) the reduction under item (bb).

“(iii) CONTINUED NONCOMPLIANCE.—

“(I) DETERMINATION.—Every 90 days after the date of an initial noncompliance determination, the Director shall determine whether the head of the Federal agency has complied with the applicable requirements of subparagraphs (A) through (C) for the proposed action, until the date on which the Director determines that the head of the Federal agency has completed the NEPA process for the proposed action.

“(II) PENALTY; NOTIFICATION.—For each determination made by the Director under subclause (I) that the head of a Federal agency has not complied with a requirement of subparagraph (A), (B), or (C) for a proposed action—

“(aa) the amount that the head of the Federal agency may obligate from the account identified under clause (ii)(I)(aa) for the fiscal year during which the most recent determination under subclause (I) is made shall be reduced by 0.5 percent from the amount initially made available for the account for that fiscal year; and

“(bb) the Director shall notify the head of the Federal agency of—

“(AA) the determination under subclause (I); and

“(BB) the reduction under item (aa).

“(iv) REQUIREMENTS.—